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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/729,031	12/04/2003	Yoshiaki Ohmori	P/126-226	1004
2352	7590	09/20/2005	EXAMINER	
OSTROLENK FABER GERB & SOFFEN 1180 AVENUE OF THE AMERICAS NEW YORK, NY 100368403			NGUYEN, DAVID Q	
			ART UNIT	PAPER NUMBER
			2681	
DATE MAILED: 09/20/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/729,031

Applicant(s)

OHMORI, YOSHIAKI

Examiner

David Q. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 04 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 14 is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7-13 is/are rejected.
- 7) ☒ Claim(s) 6 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1-14 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-2, 7-9 and 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lorimer (EP 0724371 A1).

Regarding claims 1 and 9, Lorimer discloses a mobile radio terminal and a cell search method for use in a mobile radio terminal adaptable to a predetermined number N of kinds of mobile telephone systems, where N is an integer not less than 1, the method comprising the steps of setting priorities for the mobile telephone systems (see page 2, lines 6-17 and page 3, lines 35-46), immediately carrying out cell search for a high-priority mobile telephone system when a transmission-related operation is executed by the mobile radio terminal in case where location registration to a low-priority mobile telephone system has already been made (see page 2, lines 6-17 and page 3, lines 35-46), and carrying out, upon detecting a cell of the high-priority mobile

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telephone system, location registration for the high-priority mobile telephone system to put the mobile radio terminal into a standby state in the high-priority mobile telephone system (see page 2, lines 6-14 and page 3, lines 35-46). Lorimer does not mention carrying out cell search for a high-priority mobile telephone system at regular intervals when the mobile radio terminal is in a standby state in a low-priority mobile telephone system. Official notice is taken that carrying out cell search for a high-priority mobile telephone system at regular intervals when the mobile radio terminal is in a standby state in a low-priority mobile telephone system is well known in the art (as disclosed by Rajaniemi et al. ~~US~~ 6,487,399; col. 1, lines 32-38). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the feature of searches for a high-priority mobile telephone system to Lorimer's method so that high priority users can use high-priority system when the high-priority system is available.

Regarding claim 2, Lorimer also discloses the transmission-related operation is a dial input operation or a mail address input operation (see page 3, lines 52-58).

Regarding claims 7 and 13, Lorimer also discloses in case where a cell of the high-priority mobile telephone system is not detected by the cell search for the high-priority mobile telephone system, transmission is carried out in the low-priority mobile telephone system to which the location registration has been made (see page 3, lines 14 to 45).

Regarding claim 8, wherein priorities of the mobile telephone systems can be determined and the cell search is executed with reference to the priorities determined and the information of one of the mobile telephone systems as a current standby system in which the mobile radio terminal is currently in the standby state (see page 3, lines 14 to 45).

Regarding claim 12, Lorimer also discloses comprising means for carrying out transmission after detection of a transmission start operation and completion of the location registration to the high-priority system (see page 2, lines 6-14 and page 3, lines 35-46).

3. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lorimer (EP 0724371 A1) in view of Ogawa (US 5991644).

Regarding claim 3, Lorimer does not disclose wherein said mobile radio terminal is a folded-type mobile telephone and the transmission-related operation is an operation of unfolding the folded-type mobile telephone. However, Ogawa discloses wherein said mobile radio terminal is a folded-type mobile telephone and the transmission-related operation is an operation of unfolding the folded-type mobile telephone (see abstract and figs. 3A-3B). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the above teaching of Ogawa to Lorimer in order to avoid transmitting and receiving calls or data when user does not want to.

4. Claim 4 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lorimer (EP 0724371 A1) in view of Lim et al. (US 2003/0117996 A1).

Regarding claims 4 and 10, Lorimer does not disclose in case where a cell of the high-priority mobile telephone system can not be detected by the cell search for the high-priority mobile telephone system following the transmission-related operation, the cell search for the high-priority mobile telephone system is repeated in a short search cycle for a predetermined period of time. However, Lim et al. disclose cell search for the high-priority mobile telephone system is repeated in a short search cycle for a predetermined period of time (see par. 0029).

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Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the above teaching of Lim et al. to Lorimer so that user can be connected to the preferred network when the network is available.

5. Claims 5 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lorimer (EP 0724371 A1) in view of Shoji et al. (US 2002/0041580 A1)

Regarding claims 5 and 11, Lorimer does not disclose wherein, in case where a cell of the high-priority mobile telephone system can not be detected by the cell search for the high-priority mobile telephone system following the transmission-related operation, the cell search for the high-priority mobile telephone system is repeated in a short search cycle a predetermined number of times. However, Shoji et al disclose in case where a cell of the high-priority mobile telephone system can not be detected by the cell search for the high-priority mobile telephone system following the transmission-related operation, the cell search for the high-priority mobile telephone system is repeated in a short search cycle a predetermined number of times (see par. 0068). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the above teaching of Shoji et al. to Lorimer so that user the system can connect communication of subscriber with the provider when the network is available.

***Allowable Subject Matter***

6. Claim 6 is objected as mentioned in the previous office action.

7. Claim 14 is allowed as mentioned in the previous office action.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Q. Nguyen whose telephone number is 571-272-7844. The examiner can normally be reached on 8:30AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JOSEPH H. FEILD can be reached on (571)272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



David Nguyen



JOSEPH FEILD  
SUPERVISORY PATENT EXAMINER